

PHILLIP A. TALBERT  
United States Attorney  
ANTONIO J. PATAKA  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JAVIER ALFONSO LOPEZ LOPEZ,  
  
Defendant.

CASE NO. 1:22-CR-00267-JLT-SKO  
STIPULATION CONTINUING CHANGE OF PLEA  
HEARING; ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea hearing on October 28, 2024.
2. By this stipulation, defendant now moves to continue the change of plea hearing to November 25, 2024, and to exclude time between October 28, 2024, and November 25, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(ii) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, video, audio recordings, cell phone extractions, and other voluminous materials. On or about January 13, 2023, the government produced approximately 430 GBs of supplemental discovery.

b) Counsel for defendant will be engaged in a three-week trial and needs additional time to finalize the plea agreement, consult with their client, prepare for the change of plea hearing, and gather materials for sentencing.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 28, 2024 to November 25, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 22, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ANTONIO J. PATACA  
ANTONIO J. PATACA  
Assistant United States Attorney

Dated: October 22, 2024

/s/ LUIS BUSTAMANTE  
Counsel for Defendant  
JAVIER ALFONSO LOPEZ  
LOPEZ

**ORDER**

IT IS SO ORDERED.

Dated: **October 22, 2024**

  
UNITED STATES DISTRICT JUDGE